



TOTAL PETROLEUM PUERTO RICO CORP.

March 20, 2020

VIA ELECTRONIC MAIL:

Att EPA: Atty. Carolina Jordán-Garcia, jordan-garcia.carolina@epa.gov
Office of Regional Counsel-Caribbean Team
United States Environmental Protection Agency – Region 2
City View Plaza II, Suite 7000
#48 Road PR-165, Km 1.2
Guaynabo, PR 00968-8069
and
Mrs. Karen Maples, maples.karen@epa.gov
Regional Hearing Clerk
United States Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, New York 10007-1866

**RE: SUPPLEMENTAL ENVIRONMENTAL PROJECT (SEP)
FINAL COMPLETION REPORT
U.S. v. Total Petroleum Puerto Rico Corporation
Consent Agreement and Final Order (Docket No. RCRA-02-2018-7101)**

Dear EPA Representatives:

On behalf of Total Petroleum Puerto Rico Corp. (“TPPRC”), we hereby submit to the U.S. Environmental Protection Agency (“EPA”), the Final Completion Report for the Supplemental Environmental Project (“SEP”) in compliance with the provisions of the Consent Agreement and Final (“CA/FO”) executed between the parties on August 22nd, 2019, and filed before the EPA’s Regional Hearing Clerk on that same date (i.e., “Effective Date”). Pursuant to Paragraph 85 of the CA/FO, the SEP has been satisfactorily completed within ten (10) months after the Effective Date, since all activities, as detailed below, have been completed ahead of such deadline.

As provided by Paragraph 90 of the CA/FO, TPPRC is required to submit the SEP Completion Report within a period of forty (45) days after completion of the SEP, thus in compliance with such provisions, we hereby submit the following information:



a. A detailed description of the SEP as implemented, including evidence of completion (which may include, but is not limited to, photos, vendor invoices or receipts, correspondence from FFB/DPS and ARFF/VIPA, etc.)(¶90a):

The SEP, as initially described in paragraph 79 of the CA/FO, consisted in providing the Fire Fighter Bureau of the Puerto Rico Department of Public Security (“FFB/DPS”) and the Aircraft Rescue and Fire Fighting Department of the Virgin Islands Ports Authority (“ARFF/VIPA”), as local emergency response or planning entities situated in the vicinity of TPPRC’s facilities located in Guaynabo, Puerto Rico (known as the “Guaynabo Bulk Terminal”), the Luis Muñoz Marín International Airport Terminal (known as the “LMM-SJU”) and the St. Thomas Terminal (known as the “STT Terminal”), with new equipment and/or the necessary gear to address fire and emergencies that may cause serious damages to human beings, properties and the environment, as further described in Appendix A of the CA/FO.

The purpose of this SEP, which was an emergency planning and preparedness project, was to provide and deliver the necessary emergency equipment to the responsible state and local emergency response entities, in order to enable them to protect the environment and the people that could be harmed if an accident occurs. The actions proposed and carried out pursuant to the SEP will undoubtedly help the RCRA emergency planning /local authorities, such as the FFB/DPS and ARFF/VIPA, to effectively respond to emergency incidents in Puerto Rico and St. Thomas USVI.

Pursuant to the above and as reported in the Initial Quarterly Progress Report submitted to the EPA on December 20, 2019, the SEP began by approaching both the FFB/DPS and the ARFF/VIPA in order to determine the equipment and gear specifically needed by each entity to properly and quickly carry out their duties when addressing and/or responding to an emergency situation. As described in Appendix A of the CA/FO, the equipment needed was the following:

i. For ARFF/VIPA, the list of equipment/gear consists of:

- One (1) Firefighter Hydraulic Access/Rescue Tool, Holmatro GCT 5160 EVO 3 Combi Tool for spreading, cutting, squeezing and pulling - cordless version, with 2 Battery 6 AH -28V Holmstrom, and one (1) Battery Charger BCH2 100-120 VAC Holmatro;
- Eleven (11) Double Jacket Fire Hoses 1.5" x 50' Light Rubber Lining, 100% Polyester Outer Jacket, 800/400 PSI, Orange Color Glo-Lite Treatment included with aluminum couplings attached NST, by Key Fire Hose Corp.; and
- Ten (10) Double Jacket Fire Hoses 2.5" x 50', Light Rubber Lining, 100% Polyester Outer Jacket, 800/400 PSI, Yellow Color Glo-Lite Treatment included with aluminum couplings attached NST fires, by Key Fire Hose Corp.

ii. For the FFB/DPS, the list of equipment/gear consists of:



- Thirty-one (31) “Bunker Suit Gear Sets,” which include: (a) structural firefighting helmets, (b) NFPA carbon technology hoods, (c) high-back structural firefighter’s trouser, (d) firefighter flex 24/7 gloves (pair), (e) structural firefighting pull-on leather boots, (f) heavy duty large equipment bag (black color), and (g) flashlights “survivor division 2” model.

In this regard, TPPRC obtained quotes for the delivery and the purchase of the equipment and the gear described in Appendix A of the CA/FO from a supplying company called Industrial Fire Products Corp. (“Industrial Fire”), as follows:

- **FFB/DPS** – Quote # 25333, issued on September 11, 2019, in the amount of \$92,001.66, accepted by Thomas Boiffier, Finance Director of TPPRC on September 12, 2019. See **Attachment 1**; and
- **ARFF/VIPA** – Quote # 26384, issued on September 11, 2019, in the amount of \$18,000.50, accepted by Thomas Boiffier, Finance Director of TPPRC on September 12, 2019. See **Attachment 2**.

After carefully reviewing the above-indicated quotes for the purchase of the corresponding equipment for each entity, TPPRC issued Purchase Orders in favor of Industrial Fire for the equipment listed, as follows:

- **FFB/DPS** – Purchase Order No. 4721032535, issued by TPPRC on September 20, 2019, in the amount of \$92,001.66. See, **Attachment 3**; and
- **ARFF/VIPA** – Purchase Order No. 4720004753, issued by TPPRC on October 7, 2019, in the amount of \$18,000.50. See, **Attachment 4**.

In addition, TPPRC also verified that there was no open federal financial assistance transaction that would fund the same activity contemplated on the SEP and obtained from both the FFB/DPS and the ARFF/VIPA the corresponding certifications that neither were a party to such a transaction through the following letters:

- **FFB/DPS** – Letter issued by Cptn. Alberto Cruz Albarrán (Commissioner – Fire Fighter Bureau) on May 16, 2019, addressed to Mr. Pierre-Emmanuel Bredin (TPPRCs Former General Director). See, **Attachment 5**; and
- **ARFF/VIPA** – Letter issued by Mr. Carlton Dowe (Executive Director) on October 3, 2019, addressed to Mr. Juan José Raga-Romero (TPPRC’s General Manager). See, **Attachment 6**.

Subsequently, after having obtained the quotes, the purchase orders and the non-augmentation certifications, TPPRC proceeded to follow up with Industrial Fire to oversee the completion of the orders and the delivery of the equipment on or before the due date set in the CA/FO (i.e., June 22, 2020 or Effective Date) as follows:



- **FFB/DPS** – During the months of October and November 2019, personnel from Industrial Fire visited several stations around the Island in order to take the corresponding measures of the personnel destined to receive the bunker suits. See, **Attachment 7**, List of Measures. The visits to Fire Stations were conducted on October 22, 2019, October 29, 2019, and October 31, 2019.

After taking all measures, Industrial Fire proceeded to place the order with the equipment suppliers on November 6, 2019, which estimated the delivery the equipment (i.e., the bunker suits) within a period of 8-10 weeks. Accordingly, on January 29, 2020, Industrial Fire delivered the equipment to the FFB/DPS at the Punta Las Marías Headquarters in San Juan, Puerto Rico and issued the corresponding Invoice #112584 billed to TPPRC. See, **Attachment 8**, Delivery Photographs and **Attachment 9**, Invoice #112584.

Subsequently, on February 12, 2020, TPPRC issued Check No. 54409 in the amount of \$92,001.66 in favor of Industrial Fire for the total payment of the equipment. See, **Attachment 10**, Copy of Check #54409. In addition, the FFB/DPS acknowledged the receipt of the thirty-one (31) “Bunker Suit Gear Sets” in good and working order, for which TPPRC is currently pending receipt of such confirmation.

- **ARFF/VIPA** – All equipment was delivered to the STT VIPA/ARFF Station by Industrial Fire on November 18, 2019, as confirmed via photographs and electronic mail by Captain Adrian Kean, ARFF Chief, on November 19, 2019. See, **Attachment 11**, e-Mail from Cpt. Kean. See also **Attachment 12**, Photographs of the Equipment.

An Invoice was issued by Industrial Fire on November 13, 2019 in the amount of \$18,000.50 (Invoice #112463), which was already paid by TPPRC via check number 4840, dated December 10, 2019. See, **Attachments 13** and **14**, respectively.

b. A description of any problems encountered in completing the SEP and the solutions thereto (§90b):

There were no problems encountered when completing the SEP. Everything went as planned and all equipment was delivered on a timely manner and in good conditions, as documented by both the FFB/DPS and the ARFF/VIPA.

c. An itemized list of all SEP costs (§90c):

As indicated above, we have included as attachments to this SEP Final Report the following documents:

FFB/DPS -

- PO No. 4721032535 in the amount of \$92,001.66. See, **Attachment 3**;
- Invoice #112584 in the amount of \$92,001.66. See **Attachment 9**; and



- Check #54409 in the amount of \$92,001.66. See **Attachment 10**.

ARFF/VIPA –

- PO No. 4720004753 in the amount of \$18,000.50. See, **Attachment 4**;
- Invoice #112463 in the amount of \$18,000.50. See, **Attachment 8**; and
- Check #4840, in the amount of \$18,000.50. See, **Attachment 14**.

d. Certification that the SEP has been fully implemented pursuant to the provisions of this CA/FO and Appendix A (¶90d):

Please refer to the certification at the end of this Report.

e. A description of the environmental and public health benefits associated with the SEP with a quantification of the benefits, if feasible (¶90e):

As explained in Appendix A of the CA/FO, the SEP has the purpose of providing those emergency response and planning entities located in the vicinity of TPPRC's facilities in San Juan, Puerto Rico and the Cyril E. King Airport with the equipment necessary to respond to and address emergencies that may cause serious damage to human beings, properties and the environment. In this case, the emergency response and planning entities identified were the Fire Fighter Bureau of the Puerto Rico Department of Public Security (FFB/DPS) and the Airport Aircraft Rescue and Fire Fighting Department of the Virgin Islands Port Authority (ARFF/VIPA). In this regard, the benefits of the SEP involve the enhancement of the capabilities of both the FFB/DPS and the ARFF/VIPA by providing equipment needed for a quick and effective response in the case of an emergency occurring nearby TPPRC's facilities and other surrounding areas. The alleged RCRA emergency planning/local authorities arrangement violations in the CA/FO impaired the ability of the FFB/DPS and the ARFF/VIPA to plan and effectively respond to emergency incidents in Puerto Rico and St. Thomas USVI, and equipment provided as part of the SEP will help to address those impacts.

In terms of a quantification of the benefits, there is no doubt that the equipment donated to both the FFB/DPS and ARFF/VIPA (valued at \$110,000.00) will assist in addressing emergencies that may not only occur at the TPPRC's nearby facilities, but also at other surrounding facilities that may experience some kind of emergency situation (i.e., fires, explosions, chemical spills and others). In addition, the bunker suit gears will help in preserving and protecting the lives of the firefighters that are called to duty in such emergency situations.

Therefore, in compliance with the provisions of the CA/FO with regards to the completion of the SEP, we hereby timely submit this final report. Please advise if the EPA needs further information or details on the matter. In the meantime, we shall await EPA's approval pursuant to paragraph 95 of the CA/FO.

Please note also that in addition to the SEP Completion Report, TPPRC certifies the truth and accuracy of the following items in compliance with paragraph 89 of the CA/FO:



- a. That all cost information provided to EPA in connection with EPA's approval of the SEP is complete and accurate and that TPPRC in good faith estimated the cost of the SEP to be \$110,000.00;
- b. That TPPRC was not required to perform the SEP by any federal, state, or local law or regulation and was not required to perform or develop the SEP by agreement, grant, or as an injunctive relief in any other action or forum;
- c. That TPPRC had selected the FFB/DPS and ARFF/VIPA to receive the SEP
- d. That the SEP was not a project that TPPRC was planning or intending to perform or implement other than in settlement of the claims resolved in the CA/FO;
- e. That TPPRC did not and will not receive credit for the SEP in any other enforcement action;
- f. That TPPRC has not and will not receive reimbursement for any portion of the SEP from any other person or entity;
- g. That for federal income tax purposes, TPPRC will neither capitalize into inventory nor basis nor deduct any costs or expenditures incurred in performing the SEP;
- h. That TPPRC was not a party to any open federal financial assistance transaction that is funding or could fund the same activity as the SEP; and
- i. That TPPRC inquired whether the FFB/DPS and ARFF/VIPA were parties to an open federal financial assistance transaction that is funding or could fund the same activity as the SEP and has been informed by the FFB/DPS and ARFF/VIPA, that neither is a party to such a transaction, and

We appreciate your prompt attention to this matter. If you have any questions or comments, please contact our external environmental legal consultant, Rafael Rivera-Yankovich at 787-647-1913, who was the main support contact in charge of the SEP process, or our Polauris Vazquez (HSEQ Manager / TPPRC) at (787) 354-2123.

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Cordially,

Denise Rodríguez Flores
Legal Manager

/attachments

- c. Juan José Raga (TPPRC)
Polauris Vázquez (TPPRC)
Rafael Rivera Yankovich (TCM)